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TO : Management Officer

DATE: 3 May 1950

FROM : General Counsel

SUBJECT: Survey of Legal Staff.

Ref: Your memo to the General Counsel  
dated 16 February 1950, subject as above.

1. Attention is called to paragraph 3 of your memorandum which lists certain activities of this Staff as "non-legal". Included in this group is the work entailed by the Agency Loyalty Board. It would appear to be erroneous to consider this work as "non-legal". The work entails the presentation of a case before the Agency Loyalty Board, advising the Board on legal problems during its hearings, and completing the record of such hearings. All of this work is of a legal nature. The administrators of the President's loyalty program are desirous of legal participation of this nature, and it appears to be rightfully a function of this office. Therefore, I would take exception to your including this as a "non-legal" function.

2. For similar reasons as those set forth in connection with the Agency Loyalty Board, it would appear that our work in connection with the Employee Review Board would also fall well within the purview of the Legal Staff, and exception is therefore taken to including this as a "non-legal" function.

3. Exception is also taken to the inclusion under "non-legal activities" of our review of NSCID's. As the NSCID's are drafted to implement specific legal authorities, it seems completely justifiable that they be reviewed by this office in order to make certain that they conform to the law and Congressional intent.

4. Included under "non-legal activities" are personal complaint cases. It is not understood exactly what is meant by personal complaint cases, but this office occasionally does have work in this field where it is apparent that the person complaining either will or has carried his complaint to a member of the Congress. Insofar as this falls within the scope of the work of the Legislative Officer, it is properly assigned to the functions of this Staff, although it is non-legal in nature.

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5. It is not believed that the activities of the Staff as described above results in "overlaps, duplications, and unnecessary time lags," as indicated in your paragraph 3(b).

6. With reference to your recommendation 4(b), this Staff procures virtually no legal documents other than through OCD or Services. The procurement of such legal material as the office needs follows normal Agency procurement patterns. The Staff does procure all material produced by the Congress and its Committees. This is considered a normal function of the Legislative Officer. To place this burden on either OCD or Services would mean the establishment of a second set of liaison channels with the Congress which would result in considerable confusion on Congressional Committee Staffs and would negate the desired purpose of centralized Congressional relations.

7. In connection with your recommendation 4(c), the entire workload in connection with the alien problem has been under constant review, and the majority of this work has now been transferred to I&S. This office will, of course, continue to review the legal aspects of each problem arising in connection with aliens, but the workload will be completely eliminated insofar as the non-legal aspects of these questions are concerned.

8. In connection with 4(d) of your recommendations, it is agreed that there is no present need for augmenting the Staff at this time. With the transfer of many of the operational problems incident to the alien question, as well as certain other operational work, I have been able to release the Assistant General Counsel for Covert Affairs from my Staff for operational duties as envisaged by the career management program. If further plans eventuate to establish a contracting unit within the Agency, the workload may be further decreased. While we cannot reach a final determination as to whether an additional lawyer will be required to fill the vacancy caused by the departure of the Assistant General Counsel for Covert Affairs, it is not immediately contemplated that we recruit a fifth lawyer to bring our T/O up to strength.

Lawrence R. Houston

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